

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA
-v-

STEPHENSON WATSON

JUDGMENT INCLUDING SENTENCE
UNDER THE SENTENCING REFORM ACT

CASE NUMBER: CR-03-1368 (ARR)
ALLEN LASHLEY, ESQ

16 COURT STREET, ROOM 1210

BROOKLYN, NEW YORK 11241
Defendant's Attorney & Address

THE DEFENDANT:
XXX pleaded guilty to count one of the superseding indictment.
Accordingly, the defendant is ADJUDGED guilty of such count(s), which involve the following offenses:

<u>TITLE & SECTION</u>	<u>NATURE & OFFENSE</u>	<u>COUNT NUMBER(S)</u>
21 USC 952, 963, 960 (b) (1)	CONSPIRACY TO IMPORT AT LEAST FIVE KILOGRAMS OF COCAINE & AT LEAST 50 KILOGRAMS OF MARIJUANA.	ONE (1)

The defendant is sentenced as provided in pages 2 through of this Judgment.
The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) and is discharged as to such count(s).
XXX Remaining counts are dismissed on the motion of the United States.
XXX It is ordered that the defendant shall pay to the United States a special assessment of \$100.00 which shall be due XXX immediately as follows:

It is further ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec #
Defendant's Date of Birth 3/14/77
Defendant's Mailing Address:
1477 EAST 85th STREET, 1th FL.
BROOKLYN, NEW YORK 11236
Defendant's Residence Address:
(SAME AS ABOVE)

APRIL 12, 2006
Date of Imposition of Sentence
ALLYNE R. ROSS, U.S.D.J.
APRIL 12, 2006
Date
A TRUE COPY ATTEST
Date: ROBERT C. HEINEMANN
CLERK OF COURT
By: DEPUTY CLERK

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of six (6)months.

_____ The Court makes the following recommendations to the Bureau of Prisons:

_____ The defendant is remanded to the custody of the United States Marshal.

_____ The defendant shall surrender to the United States Marshal for this district,

_____ at _____a.m./p.m. on _____.
_____ as notified by the Marshal.

XXX The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

_____ XXX before 12:00 noon on 5/23/06 _____.
_____ as notified by the United States Marshal.
_____ as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____

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of

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five(5) years.

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- 1) IF EXCLUDED; DEFT SHALL NOT RE-ENTER THE UNITED STATES ILLEGALLY.
- 2) DEFT SHALL NOT POSSESS ANY FIREARMS.

____ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

STANDARD CONDITIONS OF SUPERVISION

Judgment: While the defendant is on probation or supervised release pursuant to this

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

These conditions are in addition to any other conditions imposed by this Judgment.

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FINE WITH SPECIAL ASSESSMENT

The defendant shall pay to the United States the sum of \$ 100.00, consisting of a fine of \$ N/A and a special assessment of \$ 100.00.

These amounts are the totals of the fines and assessments imposed on individual counts, as follows:

This sum shall be paid immediately
 as follows:

~~XXX~~ The Court has determined that the defendant does not have the ability to pay any fines, cost of confinement or supervision.

- The interest requirement is waived.
- The interest requirement is modified as follows:

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 -----X
4 UNITED STATES OF AMERICA,
5 Plaintiff,

03 CR 1368

6 versus

United States Courthouse
225 Cadman Plaza East
Brooklyn, N.Y. 11201

7 STEPHENSON WATSON,

8 DEFENDANT.
9 -----X

10 April 12, 2006
11 10:35 a.m.

TRANSCRIPT OF SENTENCE

12 Before: HON. ALLYNE R. ROSS,

DISTRICT COURT JUDGE

13 APPEARANCES

14 ROSLYNN R. MAUSKOPF

15 United States Attorney - Eastern District of New York
One Pierrepont Plaza
Brooklyn, New York 11201

16 STEVEN D'ALESSANDRO, ESQ.

17 Assistant United States Attorney

18 ATTORNEY FOR DEFENDANT:

19 ALLEN LASHLEY, ESQ.
20

21
22 Court Reporter: ALLAN R. SHERMAN, CSR, RPR
23 225 Cadman Plaza East Rm 374
24 Brooklyn, New York 11201
25 Tel: (718) 260-2529 Fax: (718) 254-7237

Proceedings recorded by mechanical stenography, transcription
by CAT.

ALLAN R. SHERMAN, CSR, RPR Official Court Reporter
United States District Court Eastern District of New York

1 THE COURT: At the outset, there appears to be no
2 dispute with respect to defendant's advisory guideline. He
3 has a base offense level of 30, a deduction of two levels for
4 the safety valve, a deduction of four levels for minimal role
5 and a deduction of three levels for acceptance of
6 responsibility, resulting in an adjusted offense level of 21,
7 which at criminal history category one carries a range of
8 imprisonment of 37 to 46 months.

9 I have considered the advisory guideline.

10 Turning to the nature and circumstance of
11 defendant's offense, notwithstanding my view that
12 participation in the conspiracy to import cocaine is an
13 extremely serious criminal offense, defendant's participation
14 in that crime was of dramatically limited scope. The sole
15 evidence of his involvement concerned the Universal scheme
16 organized by Brown with Persaud as Guyanese cocaine supplier,
17 Adams as upper level supervisor, and Weatherly as lower level
18 supervisor.

19 Watson along with three others; Barnett, Cleveland
20 Green and Small, the latter of whom after trial was granted a
21 Rule 29 motion, were loosely referred to as Weatherly's team,
22 recruit or helpers. That team, and Watson in particular,
23 according to Weatherly's testimony, were of the most
24 peripheral assistance in the conspiracy. More specifically,
25 Weatherly testified in June of 2003 when he went to retrieve

1 drugs from the Universal flight, he asked Watson, a baggage
2 handler for Evergreen Eagle which also employed Weatherly, to
3 "watch his back," in case something happened.

4 Several days later, Weatherly paid Watson \$1,000
5 "for what went down," but did not discuss drugs with him.
6 Weatherly also testified that a week and a half later, he
7 again asked Watson to be "on standby to watch my back in case
8 something went sour." Again, when Weatherly subsequently paid
9 Watson \$1,000, the two did not discuss drugs and Watson's sole
10 response to the payment was "thank you."

11 The final incident with respect to which Watson's
12 name was mentioned was the September 20th, 2003 shipment via
13 Universal on the pallet of frozen fish which contained among
14 others a box of 60 kilograms of cocaine destined for Brown.

15 Weatherly and Barnett testified about conversations
16 with Watson that night in which they advised Watson that
17 "something might be going down close." As Weatherly put it,
18 in one conversation, he told Watson "the girl, meaning the
19 drugs, is coming on Universal on a pallet," and instructed
20 Watson that if the shipment arrived, "just watch it."

21 Weatherly told Watson that he, Weatherly, would deal
22 with it, asking Watson to "just keep an eye on it."

23 Subsequently Weatherly told Watson to tell Barnett
24 that it a "go." But before anyone was able to reach the
25 plane, Customs had seized the shipment.

1 Notably, cooperating coconspirator Barnett testified
2 with respect to the latter shipment that he, Watson and
3 Cleveland Green, had in fact agreed in advance of the shipment
4 that they would not help Weatherly at all. At most, the
5 evidence shows that Watson functioned as a low level lookout,
6 that he did not at least until late in his involvement even
7 discuss with Weatherly the goal of the conspiracy and that he
8 did not actually intend to assist Weatherly in the last
9 shipment.

10 All payments to Watson for his assistance totaled no
11 more than \$2,000. And it is not clear from the evidence that
12 Watson even understood the full scope of the enterprise nor
13 does anything in his guilty plea allocution suggest any
14 greater role.

15 In my view Watson's role was less than minimal, a
16 circumstance suggesting that assessment of his culpability
17 driven by the weight of narcotics is arbitrary and overstates
18 the seriousness of his conduct.

19 Of greater significance for purposes of this
20 analysis, I view Watson's actual role in the crime as
21 dramatically mitigating the seriousness of his criminal
22 conduct. On the other hand, I consider the nature and
23 circumstance of the offense as I have in the case of the other
24 airport employees as an exacerbating factor in that he made
25 use of his job position at JFK Airport in committing the crime

ALLAN R. SHERMAN, CSR, RPR Official Court Reporter
United States District Court Eastern District of New York

1 of which he was convicted. Although I found that the
2 government failed to present evidence sufficient to find by a
3 preponderance that law enforcement authorities in fact reposed
4 trust in the airport employees, a finding essential to the
5 imposition of the abuse of trust enhancement under the
6 guidelines, there is ample evidence in the record to establish
7 that defendant took advantage of his job in committing these
8 offenses, a job that though not established to be a repository
9 of trust by law enforcement, is nonetheless a highly sensitive
10 one due to the enhanced societal dangers posed by corruption
11 at a major international port or airport such as John F.
12 Kennedy Airport.

13 That said, however, I view that exacerbating factor
14 as far outweighed by the factors mitigating the seriousness of
15 defendant's offense, most prominently the circumscribed role
16 that he played in the conspiracy, so limited as to confer
17 virtually no benefit on the criminal enterprise and the less
18 than meager compensation he received for doing almost nothing.

19 I also note that similar to the other defendants in
20 this case, he possessed no weapons and engaged in no violence.

21 Turning to the history and characteristics of the
22 defendant, Mr. Watson is a 28 year old permanent resident from
23 Jamaica. He has never before been convicted or arrested or
24 had any prior brushes with the law, and based on material just
25 handed to me by defense counsel, it's apparent that since his

1 arrest, he has been gainfully employed.

2 Given all of the facts and circumstances pertaining
3 to the defendant and his offense, I believe that a sentence of
4 six months imprisonment is sufficient but not unduly severe to
5 accomplish the goals of sentencing enumerated in Section
6 3553(a).

7 Although the nature of the offense is certainly a
8 serious one, defendant's de minimus involvement strongly
9 suggests that the chosen prison term amply serves the goal of
10 just punishment.

11 Further, in my estimation, the facts and
12 circumstances of this case point to a virtually nonexistence
13 risk of recidivism, a risk that is even further diminished by
14 the likelihood of defendant's deportation following his
15 release from incarceration, strongly suggesting that the
16 suggested sentence also amply serves the goal of protecting
17 the public against the further acts of the defendant.

18 The same factors render this sentence sufficient to
19 serve the goal of general deterrence and insure against the
20 imposition of sentences creating unwarranted disparities.

21 In this regard, I believe this term of imprisonment
22 is of sufficient severity in the circumstance of this case to
23 serve as a deterrent to other airport employees who might
24 otherwise succumb to the temptation to corrupt their sensitive
25 positions for pecuniary or other person gain.

1 I therefore sentence Mr. Watson to the custody of
2 the Attorney General for a period of six months to be followed
3 by a five year period of supervised release with special
4 conditions that if deported, he not illegally reenter the
5 United States, and I prohibit the possession of a firearm.

6 I make a finding that he is unable to pay a fine but
7 I will impose the mandatory 100-dollar special assessment.

8 MR. D'ALESSANDRO: The defendant as I understand it,
9 pled guilty to the third superseding indictment. So to the
10 extent that there are outstanding counts to that indictment
11 and all other underlying indictments, we would move to dismiss
12 those.

13 THE COURT: The motion is granted.

14 Mr. Watson, there are circumstances in which a
15 defendant may appeal the sentence. I don't know if it applies
16 in your case but you discuss it with Mr. Lashley. If you
17 choose to appeal, a notice of appeal must be filed within 10
18 days and undoubtedly, Mr. Lashley will continue to represent
19 you.

20 MR. LASHLEY: Two requests.

21 Can Mr. Watson surrender in 30 days?

22 THE COURT: It's more than that.

23 Do you have a requested designation? He will
24 probably be put in MDC for such a short period of time.

25 MR. LASHLEY: Yes.

1 THE CLERK: May 23rd at 12 noon.

2 MR. LASHLEY: May 23rd.

3 Thank you, judge.

4 (Matter concluded.)

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